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10/575,185

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Giuseppe Ponti

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EXAMINER

TAWFIK, SAMEH

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,185	<b>Applicant(s)</b> PONTI, GIUSEPPE	
	<b>Examiner</b> Sameh H. Tawfik	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballestrazzi (EP 526,944A1).

Ballestrazzi discloses the claimed method for packing an articles with a film comprising the claimed steps of drawing the film from a bobbin to form a band, Fig. 2; via 18; feeding the band along a vertical path defined between deflecting rollers and towards a conveying means; Fig. 2; via web 17 fed vertically; applying a longitudinal seal to one of the film's edge during the feeding of the band along the vertical path, Figs. 2 and 4; via adhesive dispensing gun 42 the once by the edges and a transverse seals, form a transversal zones of glue delimited by side portions crosswise to form transversal zones of glue delimited by side portions crosswise and regularly spaced apart on the band, Figs. 2 and 4; via guns 42 the once on the middle and transverse adhesive 41 delimited side by side crosswise and spaced apart on the band, folding and joining the longitudinal edges and crosswise cutting to form separate packages without forming wrinkles, Fig. 4 and abstract, column 2, lines 3 and 4; pressing the overlapped longitudinal edges and over the transversal zone while pressing the side portions using two presser elements carried by a rotating roller, Figs. 1 and 4; via pressing upper conveyor with three

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different pressing rollers following station 34, seems like pressing over the entire folded surface cross wise between the edges.

The claimed "in order to cut the thin, flexible film without forming wrinkles and thereby to obtain single packages of article" is not given much patentable weight as this kind of claimed language is nothing more than an indented use and is not considered as part of the claimed steps.

*Note that such step of pressing over adhesive lines is old and well known in the art and could simply be done by hand as after adding glue to anything such pressing step over the glued portion is inherent via using human hands to firm the glued portion.*

Ballestrazzi does not disclose the step of providing the film as of plastic film. However, the examiner takes an official notice that such use of plastic film to pack an article is old, well known, and available in the art. Note that Ballestrazzi disclosed in the abstract "An apparatus for sealing a continuous web of packaging paper *or the like material*", meaning that Ballestrazzi's method is capable of being used with other material such as plastic.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Ballestrazzi's method by the use of plastic web instead of the paper, as a matter of engineering design choice, in order to come up with stronger package.

Regarding claim 2: longitudinal strip of glue and the transversal strip of glues applied to the same side of film, see for example Fig. 4; via glue guns 34 and 42 applies glue to the same side of the film.

Regarding claims 3 and 4: the longitudinal strip of glue via adhesive out of 34 is applied continuously and transverse strip of glue via 41 are applied to a side of the film 17.

Regarding claim 5: the longitudinal and transversely glue strips applied at an area upstream of backing the article, via guns 42 and 34 located upstream before finalizing the packing of the articles.

Claims 1-5 alternatively are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballestrazzi (EP 526,944A1) in view of Nack et al. (U.S. Patent No. 4,102,111).

Ballestrazzi discloses the claimed method for packing an articles with a film comprising the claimed steps of drawing the film from a bobbin to form a band, Fig. 2; via 18; feeding the band along a vertical path defined between deflecting rollers and towards a conveying means; Fig. 2; via web 17 fed vertically; applying a longitudinal seal to one of the film's edge during the feeding of the band along the vertical path, Figs. 2 and 4; via adhesive dispensing gun 42 the once by the edges and a transverse seals, form a transversal zones of glue delimited by side portions crosswise, Figs. 2 and 4; via guns 42 the once on the middle and transverse adhesive 41 delimited side by side, folding and joining the longitudinal edges and crosswise cutting to form separate packages, Fig. 4 and abstract, column 2, lines 3 and 4.

Ballestrazzi does not disclose the step of providing the film as of plastic film. However, the examiner takes an official notice that such use of plastic film to pack an article is old, well known, and available in the art. Note that Ballestrazzi disclosed in the abstract "An apparatus for sealing a continuous web of packaging paper *or the like material*", meaning that Ballestrazzi's method is capable of being used with other material such as plastic.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Ballestrazzi's method by the use of plastic web instead of the paper, as a matter of engineering design choice, in order to come up with stronger package.

*Note that such step of pressing over adhesive lines is old and well known in the art and could simply be done by hand as after adding glue to anything such pressing step over the glued portion is inherent via using human hands to firm the glued portion.*

Ballestrazzi neither disclose the step of pressing the overlapped transversal zone. However, Nack discloses a similar method of packing with the step of pressing the transversal glued overlapped portion (Fig. 7; via jaws 56 and 58).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Ballestrazzi's method by having the step of pressing the glued portion, as suggested by Nack, in order to come up with stronger sealed package.

Regarding claim 2: Ballestrazzi discloses a longitudinal strip of glue and the transversal strip of glues applied to the same side of film, see for example Fig. 4; via glue guns 34 and 42 applies glue to the same side of the film.

Regarding claims 3 and 4: Ballestrazzi discloses a the longitudinal strip of glue via adhesive out of 34 is applied continuously and transverse strip of glue via 41 are applied to a side of the film 17.

Regarding claim 5: Ballestrazzi discloses a the longitudinal and transversely glue strips applied at an area upstream of backing the article, via guns 42 and 34 located upstream before finalizing the packing of the articles.

### ***Response to Arguments***

Applicant's arguments filed 11/12/2008 have been fully considered but they are not persuasive.

Applicant argues that the applied art of '944 does not disclose the step of cutting an area between a pressed portion while the pressing is maintained, a pressing-cutting action over the transversal zone. The examiner believes that applicant is arguing of an issue is not claimed, note that the claimed step of cutting is "crosswise cutting an area of said band of plastic film (6) situated between the pressed side portions (19A, 19B) of the transversal zones of glue (19)," no where in the claim is referring to cutting while pressing.

Applicant argues that the importance of using the particular type of material been used as the plastic material. However, as disclosed above such use of plastic material on the art of manufacturing plastic bags is very old and well known in the art. Note that if the applied art was silent of pointing out to the particular of the used material, that does not mean the applied art did not use the plastic material to manufacture the claimed plastic bag, it seems '944 reference is manufacturing a plastic package. Note The claimed "in order to cut the thin, flexible film without forming wrinkles and thereby to obtain single packages of article" is not given much patentable weight as this kind of claimed language is nothing more than an indented use and is not considered as part of the claimed steps.

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Further, applicant argues that the alternative 103 rejection using Nack's '111 reference is not proper as '111 side portions of the transversal zone of glues are not and can not be maintained with pressure while the cutting action is performed. The examiner again believes that applicant is arguing of an issue is not claimed, which is having both steps of pressing the web while cutting the web, note that the claimed step of cutting is "crosswise cutting an area of said band of plastic film (6) situated between the pressed side portions (19A, 19B) of the transversal zones of glue (19)," no where in the claim is referring to cutting while pressing. Further, the examiner believes that '111 showing some kind of pressure while cutting the web, see for example (Figs. 4 and 7; via lower surface of cutting jaws 56 and 58 is adding some kind of pressure to the web while cutting.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sameh H. Tawfik/  
Primary Examiner, Art Unit 3721